

MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

5:30 P. M., JULY 15, 2024

THE MEETING WAS HELD IN PERSON IN THE AV ROOM #308 IN CITY HALL.

Chad Robinson, Chairperson, called the meeting of the Charleston City Council Committee on Ordinance and Rules to order at 5:30 p.m., July 15, 2024.

Committee Members Present:

Chad Robinson, Chair
Patrick Salango, Vice Chair
Frank Annie
Becky Ceperley
Joseph Jenkins
Emmett Pepper

Absent:

Sam Minardi

Other Councilmembers Present:

Beth Kerns
Joe Solomon
Bruce King
Chuck Overstreet
Mary Beth Hoover
Shawn Taylor
Caitlin Cook

1. Approval of Previous Minutes –

Councilmember Ceperley motioned to approve the previous minutes from 7-8-2024. Councilmember Annie seconded the motion. With those being present having voted unanimously in the affirmative, the Chair declared the minutes as approved as amended.

2. Bill No. 8039 Committee Substitute - A BILL to amend the Municipal Code by adding a new section related to controlled substances offenses in Municipal Code.

City Attorney Kevin Baker explained that Section 371 now incorporates new language that incorporates the definition and schedules from State Code. Section 373 is broken into three subdivisions. It sets a first offense for simple possession of marijuana and synthetic cannabinoids to a fine of \$0 and no jail time. Second offense is set at up to \$500 fine and no jail time. They both require the diversion program to be used. The reference of 15 grams of marijuana has been removed.

Councilmember Jenkins pointed out that “prohibited” should be added to Section 78-373 b for consistency. Baker agreed.

Councilmember Ceperley received clarification from Baker that the bill would not legalize marijuana. It would reduce the penalty by removing jail time in Municipal Court. Councilmember Ceperley asked what the reason for the bill was. Councilmember Annie replied that it reflects the trends throughout the country. The person would still have to go to court and pay court fees. Councilmember Robinson added that the bill is a modernization of City Code.

Councilmember Robinson confirmed that the 15 grams was removed in the definition per Councilmember Pepper’s amendment during the previous meeting. Police Chief Dempsey added that the removal of the “15 grams” would change police operations as to how certain crimes were charged.

Councilmember Jenkins added that nation trends are moving to where resources are better spent on enforcing harder drugs, violent crimes, etc. Removing jail time also removes the cost to the city. Councilmember Jenkins asked if it could impact the police’s ability to leverage a simple possession charge. Chief Dempsey replied that he thought it would to a certain extent. He cautioned the Committee to consider all factors when making their decision.

Councilmember Robinson confirmed with Baker that the Municipal Court has given jail time to anyone with simple possession charge of marijuana for some time.

Councilmember Pepper confirmed with Baker that the deferment plan is an option for other types of possession, and there are other ways to get individuals treatment. Attorney David Potters added that the Public Defender’s Office pays for a panel counsel to represent individuals that qualify for a free lawyer from their budget.

From the audience, Councilmember Taylor asked if the Municipal Judge had been consulted. Councilmember Robinson replied that the Attorney’s Office did discuss it with them generally. Councilmember Taylor added that there are court costs imposed and required by State Code. He added that a non-jailable offense removes the right for an individual to apply for free counsel.

Councilmember Pepper motioned to approve Bill No. 8039 Committee Substitute with the previously mentioned technical clean up. Councilmember Annie seconded. With those being present having voted in the majority in the affirmative, with one recognized Nay from Ceperley, the Chair declared Bill No. 8039 Committee Substitute as approved.

3. Bill No. 8043 - A BILL to amend the Municipal Code of the City of Charleston by adding a new Section 78-374, entitled "Marijuana laws and penalties," relating to lowering the penalty for misdemeanor marijuana possession to the lowest penalty by State Law.

The chair removed the item from the agenda.

4. Bill No. 8038 - A BILL to amend the Municipal Code relating to expanding the urban deer hunt to allow for urban bear and coyote hunting; authorizing the use of air rifles of .22 caliber or larger to hunt coyotes as part of the urban hunt; and expanding the hours to allow for hunting of coyotes at night on private property.

Baker explained that the bill expands the current Urban Deer Hunt to include the possible hunting of coyote and bear. The time period remains the same, and requirements remain the same, with the exception that a hunter may use an air rifle to hunt coyotes in accordance with County and State Code.

Councilmember Ceperley confirmed with Baker that bears can only be hunted with bow and arrow or compound bow.

Councilmember Robinson confirmed that the bag limit for coyote was unlimited and two per year for bear.

Councilmember Pepper asked what problem the bill would solve. Councilmember Robinson replied that coyotes are dangerous to humans and other animals (pets), and are in several neighborhoods. There have also been multiple sightings of bears every year in certain neighborhoods, in trash, on cars and in backyards and patios. Councilmember Annie added that the initial reason for the bill was that cats were being killed by coyotes in his neighborhood.

Councilmember Pepper asked if any other municipalities in the State have similarly authorized hunting. Baker replied that was not part of his research for the bill. Councilmember Pepper added that he would want to know if there had been any

instances of dogs being mistaken for coyotes, are coyotes more aggressive if they have been shot but not killed, etc. He added that he has not heard from constituents regarding bears or coyotes. Part of the problem with these two animals is that they are getting food near houses, and the bill does not address that.

From the audience, Councilmember Solomon advocated that a study be first conducted as to population distribution, locations of incidents, the role such animals play in the environment, etc.

Baker added that the bill is silent on whether dogs be allowed to hunt bears. State Code allows it. It would be reasonable to assume City Code does as well unless otherwise stated.

Councilmember Annie motioned to approve Bill No. 8038 Councilmember Ceperley seconded. With those being present having voted in the majority in the affirmative, with one recognized Nay from Ceperley, the Chair declared Bill No. 8038 as approved.

5. Bill No. 8040 Committee Substitute - A BILL to amend the Municipal Code relating to dogs running at large, and the penalties and impoundment therefore.

Baker explained that the bill contains some clean up language that essentially requires a dog to be on a lease unless it is on the owner's property. It would provide more discretion to the Court as to penalties and fines within the set range. The Committee Substitute clarifies the definition of an aggressive dog.

Councilmember Annie added that the bill is in response to previous incidents of loose dogs in his Ward.

Councilmember Jenkins pointed out that the fines for first offenses for loose and aggressive dogs were the same. He asked what would happen to an aggressive dog that was not voluntarily surrendered. Baker replied that a dog deemed aggressive by the Municipal Court would be required to be insured, microchipped and wear a muzzle while leashed in public. State Court has the process to euthanize the dog.

Councilmember Jenkins motioned to amend the fine for aggressive dogs for first offense to be \$100 and second and subsequent offenses to be \$100 no more than \$500.

From the audience, Councilmember Taylor shared his experience with these types of cases as a former Municipal Judge, and added that they often have heightened emotions.

From the audience, Councilmember Steelhammer confirmed with the Committee that electronic leashes are mainly used for training hunting dogs. Councilmember Ceperley

confirmed that her friend uses one for their very large dog. Councilmember Ceperley asked if stray/feral cats were protected from aggressive dogs in the bill. Potters replied that it did not seem that they would not be included.

Councilmember Jenkins motioned to amend the bill by amending Section 10-162(b) to change to offenses for an aggressive dog to the amounts previously discussed. With those being present having voted unanimously in the affirmative, the Chair declared the amendment as passed.

Councilmember Annie motioned to approve Bill No. 8040 Committee Substitute as Amended. Councilmember Jenkins seconded. With those being present having voted unanimously in the affirmative, the Chair declared Bill No. 8040 Committee Substitute as Amended as approved.

Councilmember Annie motioned to adjourn the meeting. Meeting adjourned.